

Amendment No. 2 to SB2619

Ketron
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2619

House Bill No. 2483*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 46-8-103, is amended by deleting such section in its entirety and substituting instead the following:

§ 46-8-103.

(a) A deed for real property that indicates the presence of a gravesite or crypt containing human remains or a clearly visible presence of a gravesite or crypt on the property conveyed obligates the immediate and future buyer or buyers of the property to protect the gravesite or crypt from disturbance. The owner of real property has the responsibility for taking appropriate action, prior to conveying the property, to ensure that the deed reflects the presence of the gravesite or crypt on the property.

(b) Real property that has a deed that reflects the presence of human remains or a clearly visible presence of a gravesite or crypt on the property is protected from disturbance or development as follows:

(1) A gravesite may not be disturbed in the area of ten feet (10') surrounding the perimeter of the gravesite;

(2) A crypt may not be disturbed in the area of five feet (5') surrounding the perimeter of the crypt; and

(3) Prior to any development of property that contains a gravesite or a crypt, the owner of the property shall publish a notice in a newspaper of general circulation in the county where such property is located. Such notice shall contain the property owner's name, the location of the property being proposed

for development, that graves or crypts are located on the property and any name that can be discerned from the site of persons there interred.

(c) The owner of real property that has a deed that reflects the presence of human remains or a clearly visible presence of a gravesite or a crypt on the property has the option of transferring the remains, at the owner's expense, pursuant to the procedure for termination of use as a cemetery in chapter 4 of this title. Prior to filing any action in chancery court to transfer the remains located in a gravesite or crypt, the proponent of the action shall first publish a notice in a newspaper of general circulation in the county where such gravesites or crypts are located. The notice shall contain the name of the proponent of such action, the location of the property where the remains are located, and any name that can be discerned from the site of persons there interred. Upon complete transfer of all human remains from the property that are properly described on the deed, the buyer has the right to the use of the area previously containing the remains as is consistent for the remainder of the property.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.